



1145 Wilshire Blvd., Second Floor  
Los Angeles, CA 90017  
(213) 977-7500 • Fax (213) 977-7595  
[www.apalc.org](http://www.apalc.org)

**Statement of Karin Wang  
Vice President, Programs  
Asian Pacific American Legal Center**

**Informational Hearing on the Federal Voting Rights Act  
Senate Elections, Reapportionment and Constitutional Amendments Committee  
Los Angeles, California  
December 5, 2005**

Good morning. My name is Karin Wang and I am the Vice President of Programs at the Asian Pacific American Legal Center of Southern California.

Before I begin, let me thank you for inviting me to testify at this hearing. Let me also thank the Senate Elections Committee and Chairperson Bowen for holding this hearing on the important topic of the federal Voting Rights Act.

Founded in 1983, the Asian Pacific American Legal Center (APALC) is a nonprofit organization dedicated to advocating for civil rights, providing legal services and education, and building coalitions to positively influence and impact Asian Pacific Americans and to create a more equitable and harmonious society. APALC is affiliated with the Asian American Justice Center (formerly NAPALC) in Washington, DC.

Overview

For over two decades, APALC has defended the voting rights of Asian American voters in California and has provided advocacy on their behalf. The federal Voting Rights Act has been the backbone of APALC's ability to provide this protection and advocacy. In addition to policy work, APALC's voting rights activities include the following:

- Election day monitoring of hundreds of poll sites located in areas with large Asian American populations;
- Exit polling to survey voters on their attitudes and behaviors; and
- Demographic research, including disaggregating census data to reveal the diversity within the Asian and Pacific Islander American (APIA) population.

Through these activities, APALC has witnessed several things:

- Increasing compliance with the Voting Rights Act and the positive impact of the Act;
- The continuing need for the Act; and
- Ongoing discrimination faced by Asian American and other voters.

Accordingly, APALC supports Congressional renewal of all of the provisions of the Voting Rights Act that are scheduled to expire in 2007. Because of limited time, I would like to focus my testimony specifically on Section 203 of the Act.

#### Increasing Compliance with the Voting Rights Act and the Positive Impact of the Act

During most of the 1990s, Los Angeles County was not in full compliance with Section 203. Common instances of non-compliance included poll sites not having enough bilingual poll workers and not having enough translated materials. As APALC and other groups worked with the Los Angeles County Registrar of Voters, Los Angeles County brought itself into compliance with Section 203 and is now a model for other counties.

One example of Los Angeles County's compliance can be seen in the number of voters who request language assistance. According to data gathered by the Los Angeles County Registrar of Voters, the total number of voters in Los Angeles County requesting language assistance increased by 38% from December 1999 to August 2005. This increase reflects improved voter outreach and education by Los Angeles County. The increase also indicates that as the number of requests for language assistance increases, language minority voters have a continuing need for Section 203 assistance.

Other jurisdictions in California have also been brought into compliance. In 2004, the U.S. Department of Justice entered into a memorandum of agreement with San Diego County in which San Diego County agreed to establish a program to ensure compliance with its obligation under Section 203 to provide assistance in Spanish and Tagalog, and voluntarily in Vietnamese. According to the Justice Department, levels of voter registration in San Diego County have increased dramatically since this enforcement action. Specifically, Latino and Filipino American voter registration has increased by 21% and Vietnamese American registration has increased by 37% since the Justice Department's action.

#### The Continuing Need for Language Assistance Provided Under Section 203

Despite these gains, many Asian American voters continue to need the protections of Section 203. Many Asian American voters have high rates of limited English proficiency. Voters who are limited English proficient are unable to speak or understand English adequately enough to participate in the electoral process. Although most limited English proficient voters speak some level of English, they do not speak it at a sufficiently high level to understand complicated election language.

As you well know, election materials in California are exceedingly complex. For example, the ballot used in the October 2003 gubernatorial recall election listed 135 candidates. Voter information guides are also difficult to read. The voter guide for the November 2005 special election was 77 pages long, and the description of Proposition 80 included phrases such as "renewables portfolio standard" and "time-differentiated electricity rates."

Because of their limited English proficiency and the complexity of election materials, language is the largest barrier that language minority voters face in becoming full participants in our democracy. Fortunately, Section 203 language assistance lowers the single largest hurdle that these voters face in the voting process.

APALC's exit poll results show that Asian American and Latino voters need and use Section 203 language assistance. For example, in November 2000, 54% of APIA voters and 46% of Latino voters in Southern California indicated that they would be more likely to vote if they received language assistance. In November 2004, over one-third of APIA voters used language assistance to cast their vote.

APALC's poll monitoring results show the same pattern of limited English proficient Asian American voters needing language assistance to cast their vote. APALC poll monitors frequently observe poll sites running out of translated sample ballots. This is the result of voters taking the translated sample ballots with them as mementos of their voting experience after they have used them in the voting booth. Although this results in problems with the poll sites running out of translated sample ballots, county election staff are usually responsive to the shortages and arrange for additional copies of the translated sample ballots to be delivered to the poll sites so that other voters can continue using them to vote.

### Continuing Discrimination Against Voters

In addition to this continuing need, APALC poll monitors have seen continuing discrimination against Asian American voters. This discrimination results from poll workers singling out language minority voters and creates an unwelcome atmosphere for Asian American voters. At times, this discrimination results in outright denials of the right to vote.

To illustrate this, I will provide a few examples observed by both APALC poll monitors and poll monitors deployed by organizations in other parts of California:

- March 2000 primary election, Santa Ana – The poll inspector inappropriately asked some young Asian American voters for identification. The APALC poll monitor heard the inspector comment, “Everybody wants to come to America and take what is ours – our land.”
- November 2000 general election, San Francisco County – A poll monitor observed a poll worker yell at a Chinese American voter and take the voter's ballot away. The poll worker was frustrated that the voter, who was limited English proficient, was not following his instructions. The voter left without casting a ballot.
- November 2004 general election, Monterey Park – When the APALC poll monitor surveyed the poll workers to ascertain which poll workers were bilingual, one of the poll workers responded, “I speak English; this is America.”

### Need for a Lower Numerical Threshold Under Section 203

In addition to renewing Section 203, APALC believes that Congress should strengthen Section 203 by lowering the numerical threshold for coverage. A number of APIA populations that desperately need the protections of Section 203 are not currently covered under Section 203 and are not likely to be covered after the next coverage determinations are made – unless Section 203's numerical threshold is adjusted from 10,000 to 7,500. In California, a lower numerical threshold of 7,500 would likely trigger Section 203 coverage for the Cambodian American population in Los Angeles County, which is concentrated in Long Beach. This community clearly falls within the

group of citizens that Congress intended to protect and empower under Section 203. Fifty-seven percent of the Cambodian American population in Los Angeles County is limited English proficient, and 56% of this population lacks a high school diploma. Not surprisingly, Cambodian American voters have low turnout rates during elections. During the November 2004 election, only 53% of Cambodian American registered voters in Los Angeles County turned out to vote, compared with 79% of all registered voters in Los Angeles County. Coverage of just the Cambodian American community in Los Angeles County would result in language assistance being provided to 17% of Cambodian Americans nationally.

### Closing

In closing, I thank you again for inviting me to testify at this hearing. I have attached to my written testimony a copy of the letter that APALC submitted to Congress last month. This letter contains further information on the impact of the Voting Rights Act on voters in California.

I would like to conclude by noting the importance of Congress establishing a record upon which to base renewal of the temporary provisions of the Voting Rights Act. APALC commends the State Legislature for passing Assembly Joint Resolution No. 19, and urges the legislature to go one step further by calling upon California members of Congress to hold regional hearings across the country, including in California, to help further establish the record for renewal.

*For more information: Eugene Lee, Staff Attorney, [elee@apalc.org](mailto:elee@apalc.org) or (213) 977-7500 ext. 212 or Karin Wang, Vice-President of Programs, [kwang@apalc.org](mailto:kwang@apalc.org) or (213) 977-7500 ext. 234.*